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The Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MILAN RICHARD HAVLIK, JR.,

Plaintiff,

v.

BILL ROBERTS, TAMMI DENNEY  
and RANDAL CLINE,

Defendants.

**NO. 42:22-cv-00096-TOR**

**DEFENDANTS' TAMMI  
DENNEY - BILL ROBERTS -  
AND RANDAL CLINE'S  
ANSWER AND  
AFFIRMATIVE DEFENSES  
TO PLAINTIFF'S SECOND  
AMENDED PRO SE  
COMPLAINT AND JURY  
DEMAND**

COME NOW, above-named Defendants TAMMI DENNEY, BILL ROBERTS, and RANDAL CLINE, (hereinafter referred to as "this Defendant"), by and through their attorney of record, Patrick McMahon of Carlson & McMahon, PLLC, and hereby submits their Answer to the Plaintiff's Second Amended Prisoner Civil Rights Complaint.

**I. PLAINTIFF INFORMATION**

This Defendant admits the information contained in Paragraph I identified as Plaintiff Information.

**II. DEFENDANT INFORMATION**

This Defendant admits that Defendant 1 is identified as Tammi Denney.  
This Defendant admits that Defendant 2 is identified as Bill Roberts. This Defendant admits that Defendant 3 is identified as Randal Cline.

**III. STATEMENT OF CLAIM(S)**

**COUNT I**

1.1 This Defendant denies the allegations contained in Count I Paragraph 1.1 of Plaintiff's Second Amended Complaint.

1.2 This Defendant denies the allegations contained in Count I Paragraph 1.2 of Plaintiff's Second Amended Complaint.

1.3 This Defendant denies the allegations contained in Count I Paragraph 1.3 of Plaintiff's Second Amended Complaint.

1.4 This Defendant denies the allegations contained in Count I Paragraph 1.4 of Plaintiff's Second Amended Complaint.

1.5 This Defendant denies the allegations contained in Count I Paragraph 1.5 of Plaintiff's Second Amended Complaint.

1           1.6 This Defendant denies the allegations contained in Count I  
2  
3 Paragraph 1.6 of Plaintiff's Second Amended Complaint.

4           1.7 This Defendant denies the allegations contained in Count I  
5  
6 Paragraph 1.7 of Plaintiff's Second Amended Complaint.

7           1.8 This Defendant denies the allegations contained in Count I  
8  
9 Paragraph 1.8 of Plaintiff's Second Amended Complaint.

10                           **INJURY, HARM OR DAMAGES**

11  
12           This Defendant having insufficient information to either admit or deny the  
13 allegations pertaining to Plaintiff's injury, harm, or damages, denies the same in  
14  
15 their entirety.

16                           **COUNT II**

17  
18           2.1 This Defendant denies the allegations contained in Count II  
19  
20 Paragraph 2.1 of Plaintiff's Second Amended Complaint.

21           2.2 This Defendant denies the allegations contained in Count II  
22  
23 Paragraph 2.2 of Plaintiff's Second Amended Complaint.

24           2.3 This Defendant denies the allegations contained in Count II  
25  
26 Paragraph 2.3 of Plaintiff's Second Amended Complaint.

27           2.4 This Defendant denies the allegations contained in Count II  
28  
29 Paragraph 2.4 of Plaintiff's Second Amended Complaint.  
30

**INJURY, HARM OR DAMAGES**

This Defendant having insufficient information to either admit or deny the injury, harm, or damages set forth in this section, denies the same in their entirety.

**COUNT III**

3.1 This Defendant denies the allegations contained in Count III Paragraph 3.1 of Plaintiff's Second Amended Complaint.

3.2 This Defendant denies the allegations contained in Count III Paragraph 3.2 of Plaintiff's Second Amended Complaint.

**INJURY, HARM OR DAMAGES**

This Defendant having insufficient information to either admit or deny the injury, harm, or damages claimed by Plaintiff, hereby denies the same in their entirety.

**IV. RELIEF**

This Defendant specifically denies that the Plaintiff is entitled to relief as prayed for in this section.

By way of further answer and affirmative defenses, this Defendant alleges the following:

**AFFIRMATIVE DEFENSES**

**I.**

As a First Affirmative Defense, this Defendant alleges that Plaintiff fails to state a claim upon which relief may be granted.

**II.**

As a Second Affirmative Defense, this Defendant alleges all identified Defendants in Plaintiff's Second Amended Complaint are protected from liability pursuant to the doctrine of qualified immunity.

**III.**

As a Third Affirmative Defense, all actions taken by this Defendant were performed in good faith, were reasonable, and in compliance with procedures and protocol.

**IV.**

As a Fourth Affirmative Defense, this Defendant alleges that the Plaintiff assumed the risk of harm.

**V.**

As a Fifth Affirmative Defense, to the extent the Plaintiff has failed to mitigate his damages, any recovery should be reduced accordingly.

**VI.**

As a Sixth Affirmative Defense, this Defendant specifically reserves the right to add affirmative defenses, empty chair defendants, counterclaims, cross-claims, and third-party claims as they become known through the process of discovery.

**JURY DEMAND**

This Defendant hereby requests that this case be tried before a jury pursuant to FRCP 38.

WHEREFORE, this Defendant having fully answered the Plaintiff's Second Amended Complaint and prays that the same be dismissed with prejudice and that this Defendant have and recover costs expended herein, and that the Plaintiff take and recover nothing.

RESPECTFULLY SUBMITTED THIS 15<sup>th</sup> day of September, 2022.

CARLSON & McMAHON, PLLC

By /s/ Patrick McMahon  
PATRICK MCMAHON, WSBA #18809  
Attorney for Defendants

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WCRP05-002538|PLE ANSWER-091522

**CERTIFICATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on September 15, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Milan Richard Havlik, Jr., 119364  
Okanogan County Jail  
149 N. 4<sup>th</sup> Avenue  
Okanogan, WA 98840

Signed at Wenatchee, Washington on September 15, 2022.

/s/ Patrick McMahon  
PATRICK MCMAHON, WSBA #18809